

DAC \$ #5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
Douglas D. DeMasi, Sr.
SN 09/845,999
Receipt Date 4/30/01
For "Universal Flying Hawk"

: Customer Service Center
: Initial Patent Examination Division

8 Scenic Drive; Hagan Farms
Poughkeepsie, NY 12603-5521
July 26, 2001

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, DC 20231

PETITION

Sir:

Applicant hereby Petitions for:

- a) ~~Withdrawal of the 7/20/01 and the 6/25/01 Notices of Incomplete~~
~~NonProvisional Application; and~~
- b) ~~Assignment of the 4/30/01 Receipt Date as the Filing Date of the~~
~~Application.~~

~~In the above identified application, a Notice of Incomplete NonProvisional~~
~~Application was mailed 7/20/01 stating that "The specification is missing".~~

~~Applicant had previously received a Notice of Incomplete NonProvisional~~
~~Application mailed 6/25/01, and had made a 6/28/01 telephone call to the Customer~~
~~Service Center that advised inter alia that Sadie (the signer of that Notice) was a contract~~
~~employee no longer there. That Notice too stated: that "The specification is missing."~~
~~Applicant responded to that Notice with a Letter dated June 28, 2001 (copy enclosed).~~

~~Applicant's June 28, 2001 Letter noted that the instant application is a~~
~~continuation-in-part application filed according to the provisions which had been set forth~~
~~in 37 CFR 1.62(e). The Regulations set forth that a continuation-in-part application will~~

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utilize the file wrapper of the prior application; that changes to the prior application must be made in the form of an amendment to the prior application; and that no copy of the prior or new application is required. The Letter set forth that applicant had filed a Preliminary Amendment (copy of which was enclosed) dated April 30, 2001, with the new application. (The Preliminary Amendment amended in the new paragraph form.) Accordingly applicant submitted that "A complete specification as prescribed by 35 U.S.C. 112" was filed as required; and that the 6/25/01 Notice of Incomplete NonProvisional Application should be withdrawn.

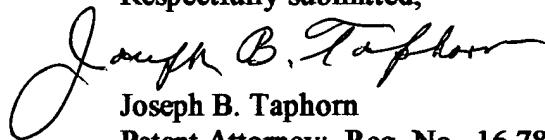
Applicant hereby Petitions that the 7/20/01 Notice of Incomplete NonProvisional Application be withdrawn for the same reasons advanced in applicant's Letter of June 28, 2001, and that Assignment be made of the 4/30/01 Receipt Date as the Filing Date of the application.

Applicant also Petitions that the 6/25/01 Notice of Incomplete NonProvisional Application be withdrawn, if that Notice is still pending.

A check to cover the \$130 petition fee (37 CFR 1.17(h)), is enclosed.

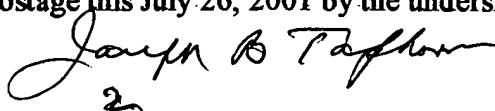
A request for a refund of the petition fee is hereby made, as applicant believes a complete application was originally filed.

Respectfully submitted,



Joseph B. Taphorn
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Email jbtaphorn(a)prodigy.net

Enclosures - 7/20/01 Notice; Fee Payment; June 28, 2001 Letter
Certificate of Mailing - The undersigned certifies that this correspondence addressed to the Attention: Office of Petitions, Assistant Commissioner for Patents, Box DAC, Washington, DC 20231, has been deposited with the U.S. Postal System as first class mail in an envelope with sufficient postage this July 26, 2001 by the undersigned.


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